



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable Tom Seay  
County Attorney  
Amarillo, Texas

Dear Sir:

Opinion No. 0-1261

Re: Whether Article 1583, Penal Code, or any other statute regulates the hours of employment of firemen and policemen in cities of between Thirty Thousand and Seventy-five Thousand inhabitants.

We received your letter of August 9, 1939, requesting our opinion in response to the following question:

"Does Art. 1583 of the Penal Code or any other statute regulate the hours of employment of firemen and policemen in cities of over 30,000 inhabitants and less than 75,000 inhabitants?"

The only statute regulating the hours of employment of policemen and firemen is Article 1583, Penal Code, Sections 1 and 6, of which read as follows:

"1. No member of any fire department or police department in any city of more than twenty-five thousand (25,000) inhabitants shall be required to be on duty for more than six (6) days in any one week."

"6. It shall be unlawful for any city of more than seventy-five thousand (75,000) inhabitants to require or permit any such firemen and policemen to work more than twelve (12) hours per calendar day or more than seventy-two (72) hours in any one calendar week and, in no event, more than one hundred forty-four (144) hours in any two (2) consecutive calendar weeks in the discharge of their duties except in case of emergency which may arise where it may become necessary to work more than twelve (12) hours per calendar day or more than seventy-two (72) hours in

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any one calendar week or more than one hundred forty-four (144) hours in any two (2) consecutive calendar weeks for the protection of property or human life; said firemen and policemen shall draw additional compensation for the number of hours worked in addition to the regular twelve (12) hour calendar day, or more than the regular seventy-two (72) hours in any one calendar week or more than the regular one hundred forty-four (144) hours in any two (2) consecutive calendar weeks or if required to work on any day which has been designated as the day of the week that such member of said department should not be required to be on duty, additional compensation at the rate of time and one-half over time computed upon the basis of their monthly salary shall be paid to them for such additional time as they are required to work."

From a careful reading of the above statute it is apparent that the statute does not undertake to regulate the hours of employment of firemen and policemen in any cities or towns except those having a population of more than seventy-five thousand (75,000) inhabitants. The statute has no application to cities and towns having a population of less than seventy-five thousand (75,000), and our answer to your question, therefore, is in the negative.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

Glenn R. Lewis(signed)  
Assistant

GRL:LM

APPROVED AUG 24, 1939

Gerald C. Mann (signed)  
ATTORNEY GENERAL OF TEXAS

(Stamped:) Approved  
Opinion Committee  
By: R.W.F., Chairman